



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 31 2016

Certified Mail No:

Mr. Bill Emmsley
CEO, American Samoa Shipyard Services Authority
P.O. Box 734
Pago Pago, American Samoa 96799

Certified Mail
7015 0640 0001 1122 0703

Re: Request for Information under Clean Water Act Section 308(a) – American Samoa Shipyard Services Authority, EPA Docket No. CWA 308-9-16-002

Dear Mr. Emmsley:

In our April 2, 2015 compliance evaluation inspection of the American Samoa Shipyard Services Authority ("ASSSA"), Satala Shipyard, inspectors from the U.S. Environmental Protection Agency, Region 9 ("EPA") documented widespread noncompliance with both the National Pollutant Discharge Elimination System ("NPDES") Permit No. AS0020036 ("Permit") and EPA's June 14, 2011 Administrative Order ("Order") for the Shipyard.

The EPA inspection noted an absence of Discharge Monthly Reports ("DMRs"), evidence of discharge sampling and self-monitoring by ASSSA, and adequate Best Management Practices ("BMPs"), all required by the Permit and Order. The NPDES program operates through discharger self-reporting. Therefore proper discharge monitoring and reporting is a central tenet to ensuring compliance and elimination of hazards to public health and the environment.

The attached Request for Information will help EPA assess ASSSA actions taken to comply with the Permit and Order and to determine if ASSSA possesses any compliance documents not presented at the time of inspection. This Request encompasses the requirements of the Permit and the Order and covers the time period of June 2011 to the present. Pursuant to the Agency's information-gathering authority under Section 308 of the Clean Water Act, 33 U.S.C. § 1318, EPA hereby requests that ASSSA provide the information specified in Attachment 1 **by April 30, 2016.**

Please send your response to:

Colby Tucker, ENF 3-1
U.S. Environmental Protection Agency
Region IX
Enforcement Division
75 Hawthorne Street
San Francisco, CA 94105
Tucker.WilliamC@epa.gov

All submittals in response to this letter must be accompanied by the following certification signed by a responsible officer in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

ASSSA may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 C.F.R. Part 2, Subpart B, regulations to protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

Failure to comply with this Request for Information can result in enforcement action for appropriate remedy, including penalties, under Section 309 of the CWA, 33 U.S.C. § 1310. Compliance with this Request for Information does not relieve ASSSA of its obligation to comply with the CWA or other applicable laws and permits.

The Request for Information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Thank you for your cooperation and prompt attention to this letter as it is a matter of public health and protection of vital environmental resources. If you have any questions regarding this Request for Information, please contact Colby Tucker of my staff at 415-972-3556 or Tucker.WilliamC@epa.gov. Legal questions regarding this Request for Information should be directed to Marcela VonVacano of the Office of Regional Counsel at 415-972-3905 or VonVacano.Marcela@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen H. Johnson".

Kathleen H. Johnson
Director
Enforcement Division

Enclosure

cc (via email): Bill Emmsley, bill.emmsley.shipyard@gmail.com

Fa'amao Asalele, American Samoa EPA, faamao.asalele@epa.as.gov

ATTACHMENT 1

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region 9 ("EPA") requires the American Samoa Shipyard Services Authority ("ASSSA") to provide to EPA the information described below (see "Request for Information"). This Request for Information in no way alters or relieves ASSSA of other legal responsibilities or restrictions imposed on operations at the Site at the federal, state or local government level.

DEFINITIONS

The following terms shall have the following definitions for this Request for Information:

"Document" means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.

"Relevant Time Period" is any time occurring from June 14, 2011 to the present day.

"Publication" means the production, printing, finalization, and/or any other written mechanism to make employees or the public aware of new or existing information.

REQUEST FOR INFORMATION

Please provide the following documents, information, and communications *and include the date of publication*. If no such document, information, and/or communication exist, then so state explicitly.

1. Provide the following information regarding Discharge Monitoring Reports (DMRs) required pursuant to NPDES Permit Part II.A.3:
 - a. For the Relevant Time Period (June 2011 to present), indicate each month that ASSSA prepared a DMR and sent the DMR to EPA as required under Permit Part II.A.3.
 - b. For each DMR prepared by ASSSA during the Relevant Time Period, indicate the date that the DMR was prepared and provide evidence of when and how the DMR was sent to EPA.
 - c. Provide a copy of each DMR prepared during the Relevant Time Period.
2. Provide the following information regarding effluent monitoring completed by ASSSA and associated records required pursuant to the Permit:
 - a. Indicate each month during the Relevant Time Period that ASSSA completed the effluent monitoring required by Permit Parts I.B. and II.A.

- b. Provide copies of all monitoring records maintained during the Relevant Time Period as required by Permit Part II.A.3. and Permit Standard Conditions section 11.
 - c. Provide copies of any communications between ASSSA and commercial laboratories regarding permit-required effluent monitoring completed during the Relevant Time Period.
- 3. Provide the following information regarding the Best Management Practices (BMP) Plan required by Permit Part III.B.3.a.:
 - a. Indicate whether or not ASSSA prepared the required BMP Plan.
 - b. If ASSSA prepared the required BMP Plan, indicate the date that the Plan was completed and provide evidence of when and how the Plan was sent to EPA.
 - c. If ASSSA prepared the required BMP Plan during the Relevant Time Period, provide a copy of the Plan.
- 4. Provide descriptions of the actions taken by ASSSA during the Relevant Time Period to comply with the Best Management Practices requirements of Permit Parts III.B.1., III.B.2., and III.B.3. For each BMP implemented by ASSSA, describe the action, indicate the date when the action was implemented and provide documentary evidence that the BMP was implemented. ASSSA's response shall address, but not be limited, to the following required BMPs:
 - a. Secondary containment required by Permit Part III.B.1.Table 3.
 - b. Repair and maintenance of the curbs as required by Permit Part III.B.1.Table 3.
 - c. Operations, maintenance and repair of the oil/water separators at outfalls 001, 002 and 003 required by Permit Part III.B.1.Table 3.
 - d. Hazardous waste handling practices as required by Permit Parts III.B.1. and III.B.3.b.12.
 - e. Sealing of cracks in the dry dock deck as required by Permit Part III.B.2.Table 4.
 - f. Purchase, installation, use and maintenance of the dry dock grit curtains required by Permit Part III.B.3.b.(4).
- 5. For the Permit Part III.B.2. Table 4 requirements related to submergence of the 3,000-ton dry dock:
 - a. Indicate each date during the Relevant Time Period that the dry dock was submerged.
 - b. For each dry dock submergence during the Relevant Time Period, indicate whether or not ASSSA notified American Samoa EPA ("ASEPA") in advance of dry dock submergence as required by Permit Part III.B.2.Table 4. Provide copies of any communications or records related to ASEPA notification to ASEPA.
 - c. For each dry dock submergence during the Relevant Time Period, indicate whether or not ASEPA provided written authorization to ASSSA in advance of dry dock submergence as required by Permit Part III.B.2.Table 4. Provide copies of any written authorizations to submerge provided by ASEPA to ASSSA during the Relevant Time Period.
- 6. Regarding the Quality Assurance Manual (QA Manual) required by Permit Part II.A.4.:
 - a. Indicate whether or not ASSSA completed the required QA Manual.

- b. Indicate the date the QA Manual was completed.
 - c. Provide evidence of when and how the QA Manual was sent to EPA.
 - d. Provide a copy of any QA Manual prepared during the Relevant Time Period.
- 7. Regarding the Storm Water Pollution Prevention Plan ("SWPPP") required by Permit Part III.C:
 - a. Indicate whether or not ASSSA completed the required SWPPP.
 - b. Indicate the date the SWPPP was completed.
 - c. Provide evidence of when and how the SWPPP was sent to EPA.
 - d. Provide a copy of any SWPPP prepared during the Relevant Time Period.
 - e. Describe the actions taken by ASSSA to implement any SWPPP prepared pursuant to Permit Part III.C.
- 8. Regarding the Pollution Minimization Plan for Mercury and Total PCBs (Minimization Plan) required by Permit Part III.D.:
 - a. Indicate whether or not ASSSA completed the required Minimization Plan.
 - b. Indicate the date the Minimization Plan was completed.
 - c. Provide evidence of when and how the Minimization Plan was sent to EPA.
 - d. Provide a copy of any Minimization Plan prepared during the Relevant Time Period.
 - e. Describe the actions taken by ASSSA to implement any Minimization Plan prepared pursuant to Permit Part III.D.
- 9. Provide copies of all Notices of Completion related to the June 14, 2011 Order.
- 10. Provide copies of any photographs of operations at the Facility during the Relevant Time Period that illustrate ASSSA actions to comply with the requirements of the Permit or the June 14, 2011 Order.